

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: John M. ADAMS, et al.

Serial Number: 10/813,354

Filing Date: March 29, 2004

Title: FOCUSED COMPRESSION MITRAL  
VALVE DEVICE AND METHOD

Group Art Unit: 3738

Examiner: Unassigned

CONFIRMATION NO: 5007

FILED ELECTRONICALLY ON: October 27, 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.97**

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- A. ☒ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:
- ☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);  
-- OR --
  - ☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;  
-- OR --
  - ☒ (3) It is being filed before the mailing of a first Office action on the merits;  
-- OR --
  - ☐ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- B. ☐ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:
- ☐ a statement as specified in §1.97(e) provided concurrently herewith;  
-- OR --
  - ☐ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- C. ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:
- i. a statement as specified in §1.97(e);  
-- AND --
  - ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.
- D. ☐ 37 CFR §1.97(e). Statement.
- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);  
-- AND/OR --
  - ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);  
-- AND/OR --
  - ☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.
- E. ☐ Statement Under 37 C.F.R. §1.704(d). Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the

requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. ☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

☒ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G. ☒ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: \_\_\_\_\_

☒ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H. ☐ 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

☐ Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: \_\_\_\_\_

Information Disclosure Statement(s) filed on: \_\_\_\_\_

AND

☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

- I. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29912-704.301)

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI



Dated: October 27, 2006

By: \_\_\_\_\_

Thomas M. Zlogar, Reg. No. 55,760

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Customer No. 021971

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Substitute for form 1449/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/813,354
				Filing Date	March 29, 2004
				First Named Inventor	John M. Adams
				Art Unit	3738
				Examiner Name	Unassigned
Sheet	1	Of	6	Attorney Docket Number	29912-704.301

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US 2003/0083613	05/01/2003	Schaer	
	2.	US 2003/0135267	07/17/2003	Solem et al.	
	3.	US 2003/0171776	09/11/2003	Adams et al.	
	4.	US 2003/0236569	12/25/2003	Mathis et al.	
	5.	US 2004/0010305	01/15/2004	Alferness et al.	
	6.	US 2004/0019377	01/29/2004	Taylor et al.	
	7.	US 2004/0039443	02/26/2004	Solem et al.	
	8.	US 2004/0073302	04/15/2004	Rourke et al.	
	9.	US 2004/0098116	05/20/2004	Callas et al.	
	10.	US 2004/0102839	05/27/2004	Cohn et al.	
	11.	US 2004/0111095	06/10/2004	Gordon et al.	
	12.	US 2004/0127982	07/01/2004	Machold et al.	
	13.	US 2004/0133220	07/08/2004	Lashinski et al.	
	14.	US 2004/0133240	07/08/2004	Adams et al.	
	15.	US 2004/0133273	07/08/2004	Cox	
	16.	US 2004/0138744	07/15/2004	Lashinski et al.	
	17.	US 2004/0148019	07/29/2004	Vidlund et al.	
	18.	US 2004/0148020	07/29/2004	Vidlund et al.	
	19.	US 2004/0148021	07/29/2004	Cartledge et al.	
	20.	US 2004/0153147	08/05/2004	Mathis	
	21.	US 2004/0158321	08/12/2004	Reuter et al.	
	22.	US 2004/0193191	09/30/2004	Starksen, et al.	
	23.	US 2004/0193260	09/30/2004	Alferness et al.	
	24.	US 2004/0220654	11/04/2004	Mathis et al.	

Examiner Signature	Date Considered
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. PATENT DOCUMENTS					
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	25.	US 2004/0220657	11/04/2004	Nieminen et al.	
	26.	US 2004/0243227	12/02/2004	Starksen, et al.	
	27.	US 2005/0004667	01/06/2005	Swinford et al.	
	28.	US 2005/0010240	01/13/2005	Mathis et al.	
	29.	US 2005/0021121	01/27/2005	Reuter et al.	
	30.	US 2005/0027351	02/03/2005	Reuter et al.	
	31.	US 2005/0027353	02/03/2005	Alferness et al.	
	32.	US 2005/0033419	02/10/2005	Alferness et al.	
	33.	US 2005/0038507	02/17/2005	Alferness et al.	
	34.	US 2005/0065598	03/24/2005	Mathis et al.	
	35.	US 2005/0096666	05/05/2005	Gordon et al.	
	36.	US 2005/0119673	06/02/2005	Gordon et al.	
	37.	US 2005/0137449	06/23/2005	Nieminen et al.	
	38.	US 2005/0137450	06/23/2005	Aronson et al.	
	39.	US 2005/0137451	06/23/2005	Gordon et al.	
	40.	US 2005/0137685	06/23/2005	Nieminen et al.	
	41.	US 2005/0149179	07/07/2005	Mathis et al.	
	42.	US 2005/0149180	07/07/2005	Mathis et al.	
	43.	US 2005/0149182	07/07/2005	Alferness et al.	
	44.	US 2005/0177228	08/11/2005	Solem et al.	
	45.	US 2005/0187619	08/25/2005	Mathis et al.	
	46.	US 2005/0197692	09/08/2005	Pai et al.	
	47.	US 2005/0197693	09/08/2005	Pai et al.	
	48.	US 2005/0197694	09/08/2005	Pai et al.	

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	49.	US 2005/0209690	09/22/2005	Mathis et al.	
	50.	US 2005/0216077	09/29/2005	Mathis et al.	
	51.	US 2005/0261704	11/24/2005	Mathis	
	52.	US 2005/0272969	12/08/2005	Alferness et al.	
	53.	US 2006/0020335	01/26/2006	Kowalsky et al.	
	54.	US 2006/0030882	02/09/2006	Adams et al.	
	55.	US 2006/0116758	06/01/2006	Swinford et al.	
	56.	US 2006/0142854	06/29/2006	Alferness et al.	
	57.	US 2006/0161169	07/20/2006	Nieminen et al.	
	58.	US 2006/0167544	07/27/2006	Nieminen, et al.	
	59.	US 2006/0173536	08/03/2006	Mathis, et al.	
	60.	US 2006/0191121 A1	08/31/2006	Gordon	
	61.	US 3,995,623	12/07/1976	Black et al.	
	62.	US 5,441,515	08/15/1995	Khosravi et al.	
	63.	US 5,978,705	11/02/1999	KenKnight et al.	
	64.	US 6,015,402	01/18/2000	Sahota	
	65.	US 6,254,628	07/03/2001	Wallace et al.	
	66.	US 6,345,198	02/05/2002	Mouchawar et al.	
	67.	US 6,629,534	10/07/2003	St. Goar et al.	
	68.	US 6,629,994	10/07/2003	Gomez et al.	
	69.	US 6,643,546	11/04/2003	Mathis et al.	
	70.	US 6,709,425	03/23/2004	Gambale et al.	
	71.	US 6,733,521	05/11/2004	Chobotov et al.	
	72.	US 6,764,510	07/20/2004	Vidlund et al.	

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	73.	US 6,793,673	07/01/2004	Kowalsky et al.	
	74.	US 6,797,001	09/11/2003	Mathis et al.	
	75.	US 6,824,562	11/13/2003	Mathis et al.	
	76.	US 6,908,478	06/05/2003	Alferness et al.	
	77.	US 6,960,229	11/01/2005	Mathis et al.	
	78.	US 6,964,683	11/15/2005	Kowalsky et al.	
	79.	US 6,966,926	11/22/2005	Mathis	
	80.	US 6,976,995	12/20/2005	Mathis et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	81.	EP 0903110 A1	03/24/1999	B. Braun Medical Inc.		
	82.	EP 0968688 A1	01/05/2000	Cordis Europa N. V.		
	83.	WO 00/60995 A2	10/19/2000	Deem, et al.		
	84.	WO 00/74603 A1	12/14/2000	Colvin et al.		
	85.	WO 02/060352 A1	08/08/2002	Mitralife		
	86.	WO 03/049647-A1 (in German with English abstract)	06/19/2003	Reitan		
	87.	WO 03/059198-A2	07/24/2003	Viacor, Inc.		
	88.	WO 03/063735-A2	08/07/2003	Cardiac Dimensions, Inc.		
	89.	WO 04/045463-A2	06/03/2004	Advanced Cardiovascular Systems		

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	90.	WO 04/084746	10/07/2004	Reitan		
	91.	WO 05/046531	05/26/2005	Medtronic Vascuar, Inc.		

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/813,354
				Filing Date	March 29, 2004
				First Named Inventor	John M. Adams
				Art Unit	3738
				Examiner Name	Unassigned
Sheet	6	Of	6	Attorney Docket Number	29912-704.301

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	92.	GRAY, H. Anatomy of the Human Body. The Systemic Veins. Philadelphia: Lea & Febiger, 1918; Bartleby.com. 2000. Available at <a href="http://www.bartleby.com/107/">www.bartleby.com/107/</a> . Accessed June 7, 2006.	
	93.	Heartsite.com. Echocardiogram, 1999; p.1-4. A.S.M. Systems Inc. Available at: <a href="http://www.heartsite.com/html/echocardiogram.html">http://www.heartsite.com/html/echocardiogram.html</a> . Accessed July 1, 2005.	

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	94.	Clifton Alferness, et al. U.S. Patent Application No. 11/467,105 entitled "Device and method for modifying the shape of a body organ," filed 08/24/2006 (WSGR Reference No. 29912-705.304)	
	95.	Gregory Nieminen, et al. U.S. Patent Application No. 11/458,040, entitled "Mitral Valve Annuloplasty Device with Twisted Anchor," filed 07/17/2006 (WSGR Reference No. 29912-733.501)	
	96.	Gregory Nieminen, et al. U.S. Patent Application No. 11/458,042, entitled "Mitral Valve Annuloplasty Device with Wide Anchor," filed 07/17/2006 (WSGR Reference No. 29912-733.502)	
	97.	Mark L. Mathis, et al. U.S. Patent Application No. 11/279,352, entitled "Mitral Valve Annuloplasty Device with Vena Cava Anchor," filed 04/11/2006 (WSGR Reference No. 29912-739.201)	

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